

Special Meeting and Joint Meeting of the Belmont City Council and Belmont Planning Commission

Tuesday, April 29, 2008

City Council Chambers, One Twin Pines Lane

SPECIAL MEETING

CLOSED SESSIONS – 5:45 P.M.

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Dickenson, Feierbach, Wozniak, Braunstein, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Police Chief Mattei, Interim Human Resources Director Kirby, and Negotiator Kelly Tuffo. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 6:55 P.M.

TERRI COOK

City Clerk

This meeting not tape recorded or videotaped.

SPECIAL JOINT MEETING WITH THE BELMONT PLANNING COMMISSION

CALL TO ORDER 7:00 P.M.

ROLL CALL (Council/Commission)

COUNCILMEMBERS PRESENT: Feierbach, Wozniak (arr. 7:10 p.m.), Braunstein, Dickenson, Lieberman

COUNCILMEMBERS ABSENT: None

COMMISSIONERS PRESENT: Mercer, Mayer, Frautschi, Reed, Horton, Parsons

COMMISSIONERS ABSENT: McKenzie

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil

COUNCIL COMMENTS

Mayor Lieberman stated that this meeting was an opportunity to focus on how the Council and the Planning Commission can work well together, and to provide dialog on a variety of topics.

Discussion regarding Scope/Role of Planning Commission

City Attorney Zafferano stated that the Government Code sets out the rules governing planning commissions, and City ordinances outline the Commission's role in two areas: legislative and adjudicatory. He described each type of action and provided examples. The Planning Commission is required to provide a rational basis for decisions for which conflicting information and testimony has been provided. There is a need to be fair and unbiased.

Commission members are permitted to meet with applicants or others on items that will come before them as a body, but individuals should refrain from commenting as to whether or not they favor or oppose an issue outside the scope of an official meeting.

City Attorney Zafferano stated that appeals of decisions to the City Council are considered de novo (new) hearings, and all the information presented at the Commission meeting is presented at the Council meeting.

In response to Commissioner questions, City Attorney Zafferno clarified that there is no requirement to state a reason for abstaining from voting on an item, but recusals have a legal foundation based on financial conflict of interest. He clarified that common-law conflict of interest was developed by the courts prior to the Political Reform Act. There is no statutory basis for this type of conflict, it has no financial impact, and examples include being related to an applicant, or personal dislike for an applicant.

City Attorney Zafferano also clarified that financial feasibility of a project for an applicant is not a finding of fact to be made, but can be a factor in the decision-making process for the Commission or the City Council. He noted that the payment of fees are required by applicants, but are not factors to be considered, either.

City Attorney Zafferano clarified that Council and Commissioners may perform their own research on issues and projects, and he recommended that this be stated for the record. Council and Commission may rely on their own research as a legitimate basis for making or not making the required findings. He noted that the use of a common-law conflict of interest is a matter of judgment, and that it is rare that the courts overturn a decision on that basis alone.

Discussion ensued.

In response to Commissioner Frautschi's question regarding the Commission's role in code enforcement, Community Development Director de Melo stated that Commissioners often bring problems related to projects that have been before them to the staff for followup. He noted that for other code enforcement issues, the normal enforcement procedure would be utilized, as with any other citizen bringing forth a concern. City Attorney Zafferano clarified that there may be legal issues that precludes any reporting back to the Commission on certain enforcement matters.

Public Projects (buildings, parks) Review by Planning Commission

Community Development Director de Melo stated that the Planning Commission reviews land-use entitlements, both private and public. He described examples of some of the public projects the Commission has reviewed in recent years, including the library and the Alameda kiosk. He clarified that the City Council occasionally directs additional projects to the Commission for review.

In response to Commissioner Frautschi regarding specific projects, Community Development Director de Melo clarified that the sidewalk/street tree project is waiting for completion of street lighting review, the Downtown Specific Plan update, and other right-of-way issues.

Commissioner Horton noted that economic development and traffic issues could affect the sidewalk project, and there is a need to decide how many other projects to wait for completion before addressing this matter. Community Development Director de Melo clarified that the General Plan update has been needed for many years. Policies as well as individual projects often drive project schedules.

Commissioner Horton commented that the existing General Plan does not often help the Commission in its decision-making process. City Attorney Zafferano noted that many policies contained in that document are still relevant.

Commission Chair Parsons stated that the Planning Commission makes an effort to make Belmont a better place. He expressed concern that some public right-of-way projects have not had Planning Commission review, and the final product was not aesthetically pleasing.

Community Development Director de Melo stated that it may be appropriate for the Commission to review certain types of public projects.

Commissioner Mercer stated that the City should be held to the same standard as a private developer, and she would like criteria as to which projects should come before the Commission for review.

Councilmember Feierbach stated that the Council requested that the Commission review the new street signs. She would like to enlarge the scope of the Planning Commission.

Mayor Lieberman noted there is a need to refine the role of the Commission. He would like to take advantage of the Commission's expertise without getting in the way of the development process.

Commission Chair Parsons stated that the Commission is an advisory body for the City Council. He has no desire to downplay the Park and Recreation Commission's role, but expressed concern that something not be built or torn down before adequate review.

Economic Development/General Plan Update

Community Development Director de Melo reviewed the target economic development sites. He noted that the City owns all the land contained within these sites. He discussed how individual projects could factor into the economic development plans, and he noted that new land-use policies have been expanded to include a wider area and will allow for more quality developments. He noted there is a need to amend the housing element of the General Plan, which is mandated by the State.

Commissioner Mayer inquired as to the role of the Planning Commission in the General Plan update, since it is being addressed at the staff and consultant level at this point. Community Development Director de Melo stated that the Commission's feedback and input will be required at various stages in the process, and the public will have the ability to provide input as well.

In response to Commission Chair Parsons, Community Development Director de Melo described the environmental review process. He noted that environmental review is a companion document to any land-use policy change, and will drive other factors for what can and cannot be built in any given area.

Community Development Director de Melo stated that Belmont will not be like other cities relative to its downtown, since it cannot sustain the higher densities. He clarified that there are no large parcels available, and land ownership will drive development.

Commissioner Reed noted that some goals outlined in the 1982 General Plan were never met. There is a need for high-value businesses which are being located in other cities. Belmont's growth policies are outdated. Tax revenue is needed.

Councilmember Dickenson stated that other cities have more land available for large commercial space. He noted that undergrounding of utilities on Old County Road is ready to begin. Belmont continues to seek economic development opportunities. The sidewalks need fixing. Strides have been made regarding the potential annexation of the remaining portion of the Harbor Industrial Area. High-end business is achievable for Belmont.

Mayor Lieberman stated that there has been a shift in Belmont's vision regarding economic development, and it has taken a more aggressive approach, which should provide a roadmap for the future.

Commissioner Horton noted that there is a need to educate people that economic development provides tax revenues.

City Council & Planning Commission Communication/Protocol

City Attorney Zafferano expressed the importance of the need to not inadvertently violate the Brown Act, and the City has enacted policies to address this issue. Council and Commission should avoid developing a collective consensus on issues outside of the meeting process.

Mayor Lieberman stated that City-issued email addresses should be used when conducting business on Belmont-related matters. City Attorney Zafferano clarified that it is permissible to copy one's City-issued email address if personal email is used.

Other items of mutual interest

Mayor Lieberman inquired if there were other topics that the Commission or the Council wished to discuss.

Commissioner's use of the City Attorney's Time (Commissioner Mayer)

Commissioner Mayer stated he often has legal questions but is reluctant to contact the City Attorney. City Attorney Zafferano stated he often anticipates questions the Commission may have regarding various projects, and he can provide confidential memos, which would be shared with all Commissioners. Mayor Lieberman clarified that the City Attorney is on a retainer for a variety of matters, and he will advise a Commissioner if their question is not covered by the retainer.

Impact of Redevelopment law for residential neighborhoods (Commissioner Reed)

In response to Commissioner Reed, Community Development Director de Melo clarified that zoning in residential neighborhoods within the Redevelopment Agency (RDA) is the same as other residential neighborhoods throughout the city, as are entitlements. The only difference is the ability for the RDA to assist first-time home buyers, as it has funds through the low-to-moderate income fund. Any redevelopment is likely to occur only in commercial areas of the RDA. He noted this would be a good future topic for discussion.

Joint Study Sessions (Councilmember Braunstein)

In response to Councilmember Braunstein, Community Development Director de Melo clarified that the need for joint meetings with the Commission usually drives the scheduling thereof. He noted that sometimes there might be a specific project requiring input from both the Council and the Commission.

Facade Improvement Program Enhancements (Commissioner Frautschi)

In response to Commissioner Frautschi's questions regarding the facade improvement program, Community Development Director de Melo clarified that the City is unable to mandate improvements, but the program provides economic incentives to do so. He noted there is a need to market the changes to the program.

Commissioner Frautschi suggested scheduling meetings with property owners to encourage participation.

Councilmember Dickenson described the recent code enforcement efforts on Old County Road. There is a need to educate business and property owners first.

Commission Chair Parsons stated that there are many sign enforcement issues, and there is a need for more code enforcement overall.

Permit Efficiency Task Force update (Commissioner Horton)

Commissioner Horton stated that there is a need to discourage development of steep lots, and there is a need for further clarification as to how to measure for cut and fill on these lots. Design guidelines still need amending. There is still an issue regarding the two-car garage requirement on narrow lots, and there may be a desire to permit tandem parking to fulfill the parking requirement.

Community Development Director de Melo noted that the new design guidelines should help address these issues.

Role and Responsibility of the Planning Commission (Councilmember Dickenson)

Councilmember Dickenson stated that there is a need to bring additional items outlined by the Permit Efficiency Task Force to the Commission for review. The Task Force discussed the concept of a Design Review Board as a means of efficiency. This would allow more time available for the Commission to review more projects.

Commissioner Horton described her experience in working with design review boards in other municipalities, and noted this may be desirable for future economic development.

Mayor Lieberman thanked everyone for participating in tonight's discussion.

ADJOURNMENT at this time, being 9:05 P.M.

Terri Cook

Belmont City Clerk

Council Meeting Tape Recorded and Videotaped
Audio Recording 697